

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

IN RE BEXTRA AND CELEBREX  
MARKETING SALES PRACTICES AND  
PRODUCT LIABILITY LITIGATION

Civil Case No: 08-CV-00402

Related Case Number M:05-cv-01699-CRB  
MDL No. 1699  
Pending in the Northern District of California  
San Francisco Division

**RESPONSE OF THE AMERICAN MEDICAL ASSOCIATION  
TO PFIZER, INC.'S MOTION FOR EXPEDITED BRIEFING SCHEDULE**

The American Medical Association (“AMA”) responds to Pfizer’s Motion for Expedited Briefing Schedule as follows:

1. The AMA is an Illinois not-for-profit corporation, headquartered at 515 North State Street, Chicago, IL. For more than 160 years, the organization has sought to promote the art and science of medicine and the betterment of public health. To that end, the AMA publishes the *Journal of the American Medical Association*, known as **JAMA**, and the *Archives of Internal Medicine*, both of whose records are sought by Pfizer.

2. The AMA has produced a number of non-privileged documents, but Pfizer’s motion falsely claims that the AMA withdrew from a tentative agreement to produce additional material sought by Pfizer’s subpoena. As Exhibit J to Pfizer’s own motion explicitly states, of the three remaining categories of documents improperly sought by Pfizer, only one of them was the subject of any attempted negotiation by Pfizer.

3. The AMA only recently retained outside counsel to defend itself against Pfizer’s motion.

4. Contrary to Pfizer's suggestion, the issues presented by Pfizer's attempt to invade the editorial judgments and confidential peer-review process of the AMA's medical journals are both complex and intricate, raising questions of multiple potentially-applicable privileges, as well as fundamental questions of public policy that will take time to analyze and resolve. The AMA does not have the resources of Pfizer or its counsel, and proper briefing cannot be accomplished overnight. Further, the AMA believes oral argument would assist the Court in rendering an opinion on the motion and the asserted privileges.

5. The AMA believes that it will be able to file its response to Pfizer's motion to compel by February 29, 2008. The AMA respectfully requests that the Court so order, set a date for a reply by Pfizer, and set a date for oral argument on these critical issues of public interest and concern.

Dated: February 8, 2008

Respectfully submitted,

s/ Jonathan Judge

Matthew C. Crowl  
Jonathan Judge  
SCHIFF HARDIN LLP  
6600 Sears Tower  
Chicago, IL 60606  
Phone: (312) 258-5500  
Fax: (312) 258-5600  
[mcrowl@schiffhardin.com](mailto:mcrowl@schiffhardin.com)  
[jjudge@schiffhardin.com](mailto:jjudge@schiffhardin.com)

Joseph P. Thornton, JD  
Editorial Counsel, JAMA & Archives Journals  
AMERICAN MEDICAL ASSOCIATION  
515 N. State Street  
Chicago, IL 60610  
Tel 312-464-4609  
Fax 312-464-4073  
[joseph.thornton@jama-archives.org](mailto:joseph.thornton@jama-archives.org)

**Attorneys for The American Medical Association**

**Certificate of Service**

The undersigned, an attorney, hereby certifies that he caused to be served a copy of the foregoing to the following via notice provided through the ECF system, on February 8, 2008:

John W. Christopher  
Matthew J. Sullivan  
WINSTON & STRAWN LLP  
35 West Wacker Drive  
Chicago, IL 60601  
(312) 558-5600 (phone)  
(312) 558-5700 (fax)  
[jchristopher@winston.com](mailto:jchristopher@winston.com)  
[msullivan@winston.com](mailto:msullivan@winston.com)

s/ Jonathan Judge

---

Jonathan Judge